

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

IN RE: **Douglas B. Gustavsen
Kristina M. Gustavsen**

Case No.: 1:12-bk-29905

Judge: _____

Debtor(s)

Chapter: 13

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☐ Motions Included

☒ Modified/Notice Required

☐ Modified/No Notice Required

☒ Discharge Sought

☐ No Discharge Sought

Date: 11/10/2016

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor has paid \$23,450 to date and shall pay 385.00 Monthly to the Chapter 13 Trustee, starting on December 1, 2016 for approximately 9 remaining months for a total plan of 60 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒

Future Earnings

☐

Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property
Description:
Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property
Description:
Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Law Offices of Robert Manchel	Attorney Fee	3,000.00
Denise M. Gustavsen	Domestic support obligations	1,420.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Bayview Loan Servicing	Residence: 119 Rose Ave. Bellmawr, NJ	0.00 per loan modification	0.0	0.0	Regular Monthly Payments

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in

Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
-NONE-							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor
-NONE-

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

____ Not less than \$____ to be distributed *pro rata*

____ Not less than ____ percent

 x *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
Ally Financial	2010 Chrysler Town and Country	unknown	100% of remaining balance

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions

- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-petition claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: _____.

Explain below why the Plan is being modified.	Explain below how the Plan is being modified
Part 4a removes the cure payments to Bayview Loan Servicing and reflects that the debtors entered into a loan mod	Same

Are Schedules I and J being filed simultaneously with this modified Plan? ☒ Yes ☐ No

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date November 10, 2016 /s/ Robert Manchel
Robert Manchel
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: November 10, 2016 /s/ Douglas B. Gustavsen
Douglas B. Gustavsen
Debtor

Date: November 10, 2016 /s/ Kristina M. Gustavsen
Kristina M. Gustavsen
Joint Debtor

Certificate of Notice Page 6 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Douglas B. Gustavsen
 Kristina M. Gustavsen
 Debtors

Case No. 12-29905-JNP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

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 Total Noticed: 70

Date Rcvd: Nov 17, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 19, 2016.

db/jdb
 513378823 Douglas B. Gustavsen, Kristina M. Gustavsen, 119 Rose Ave, Bellmawr, NJ 08031-2131
 AES-WACHOVIA PURCH on behalf, of United Student Aid Funds, Sallie Mae Guaranteed Services,
 PO Box 9430, Wilkes-Barre, PA 18773-9430
 513411221 +AES/PHEAA, PO BOX 8147, HARRISBURG PA 17105-8147
 513274935 Advanced ENT, PO Box 48158, Newark, NJ 07101-8358
 513274936 Advanced Internal Medicine Of SJ, 750 Route 73 S Ste 108, Marlton, NJ 08053-4142
 513274938 Aes, PO Box 2461, Harrisburg, PA 17105-2461
 513274939 Aes/nct, 1200 N 7th St, Harrisburg, PA 17102-1419
 513274940 Aes/pheaa, PO Box 2461, Harrisburg, PA 17105-2461
 513274942 Allied Interstate, Inc., P.O. Box 361774, 3000 Corporate Exchange Dr 5th Fl,
 Columbus, OH 43231-7689
 513274945 +Atlantic City Electric, C/O Rickart Collection Systems Inc., 575 Milltown Rd,
 North Brunswick, NJ 08902-3321
 513274946 Audubon Back Aid Center, 246 S White Horse Pike, Audubon, NJ 08106-1352
 513274947 Bank Of America, N.A., 450 American St, Simi Valley, CA 93065-6285
 513496501 Bank of America, N.A., P.O. Box 660933, Dallas, TX 75266-0933
 513508982 Burlington Anesthesia Assoc., Apex Asset Management, LLC, PO Box 5407,
 Lancaster, PA 17606-5407
 513274971 +C O AMERICAN INFOSOURCE LP, 4515 N SANTA FE AVE, OKLAHOMA CITY OK 73118-7901
 (address filed with court: T-Mobile, PO Box 742596, Cincinnati, OH 45274-2596)
 513274949 +CAC Financial Corp, 2601 NW Expressway Ste 1000E, Oklahoma City, OK 73112-7236
 513274950 +CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One, PO Box 85520, Richmond, VA 23285-5520)
 513508507 +CAPITAL ONE BANK (USA), N.A., PO Box 12907, Norfolk VA 23541-0907
 513274952 Capital One, PO Box 71083, Charlotte, NC 28272-1083
 513274951 #Capital One, PO Box 5253, Carol Stream, IL 60197-5253
 513386478 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 513274954 Children's Hospital Of Philadelphia, 34th Street & Civic Center Boulevard,
 Philadelphia, PA 19104-4399
 513577868 Educational Credit Management Corp., PO Box 16408, St. Paul, MN 55116-0408
 513274955 Elan Financial Service, Cb Disputes, Saint Louis, MO 63166
 513274956 Emerg Care Services Of NJ, C/O HRRG, PO Box 189053, Plantation, FL 33318-9053
 513274957 Encore Receivable Mgmt, Inc., PO Box 3330, Olathe, KS 66063-3330
 513274958 Financial Recoveries, 200 E Park Dr Ste 100, Mount Laurel, NJ 08054-1297
 513274959 Frank H. Slattery, Frank H. Slattery & Associates LLC, 739 S White Horse Pike Ste 4,
 Audubon, NJ 08106-1659
 513274962 Health Network Laboratories, Washington Professional Campus, 900 Route 168 Ste I2,
 Blackwood, NJ 08012-3234
 516444497 +McCABE WEISBERG & CONWAY PC, 216 Hadden Avenue, Suite 201 Westmont NJ 08108-1120
 513274966 +New Jersey Div. Of Taxation, Compliance Activity, PO Box 245, Trenton, NJ 08646-0245
 513362182 +PHEAA CONDUIT-AMBAC, AES/PHEAA, PO Box 8183, Harrisburg, PA 17105-8183
 513833870 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: State of New Jersey, Division of Taxation, PO Box 245,
 Trenton, NJ 08695-0245)
 513274968 South Jersey Radiology, PO Box 1710, Voorhees, NJ 08043-7710
 513274969 +State Of NJ., Office / Attorney General, 25 Market St., PO Box 119, Trenton, NJ 08625-0119
 513274970 T-Mobile, C/O MCM, Dept 12421, Oaks, PA 19456-0603
 513274972 Thd/cbna, PO Box 6497, Sioux Falls, SD 57117-6497
 513343118 ++US BANK, PO BOX 5229, CINCINNATI OH 45201-5229
 (address filed with court: ELAN FINANCIAL SERVICES, AS SERVICER FOR FULTON BANK OF NJ21,
 BANKRUPTCY DEPARTMENT, P.O. BOX 5229, CINCINNATI, OH 45201-5229)
 513274973 Underwood Memorial Hospital, PO Box 150, West Berlin, NJ 08091-0150
 513274975 Virtua Health Voorhees, PO Box 7009, Bellmawr, NJ 08099-7009
 513274976 Virtua Health Voorhees, PO Box 8500-8267, Philadelphia, PA 19178-8500
 515311259 +Zarwin, Baum, DeVito, Kaplan, Schaer & Toddy, PC, c/o Sage Capital Recovery,
 Attention: Robert Cohen, 1040 North Kings Highway, Cherry Hill, NJ 08034-1908
 515311258 +Zarwin, Baum, DeVito, Kaplan, Schaer & Toddy, PC, Five Greentree Centre, Suite 303,
 Marlton, NJ 08053-3422

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Nov 17 2016 23:17:49 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Nov 17 2016 23:17:46 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235

cr E-mail/Text: ally@ebn.phinsolutions.com Nov 17 2016 23:16:52
 Ally Financial serviced by Ally Servicing LLC, PO Box 130424, Roseville, MN 55113-0004

513274937 +E-mail/Text: bankruptcy@icsystem.com Nov 17 2016 23:18:31 Advocate Greentree Pediatrics,
 C/O IC System Inc., 444 Highway 96 E, Saint Paul, MN 55127-2557

513274941 E-mail/Text: roy.buchholz@allianceoneinc.com Nov 17 2016 23:16:52 Alliance One,
 4850 E Street Rd Ste 300, Trevoze, PA 19053-6643

District/off: 0312-1

User: admin
Form ID: pdf901

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Total Noticed: 70

Date Rcvd: Nov 17, 2016

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

515847968 E-mail/Text: ally@ebn.phinsolutions.com Nov 17 2016 23:16:52 Ally Financial,
PO Box 130424, Roseville, MN 55113-0004
513274943 E-mail/Text: ally@ebn.phinsolutions.com Nov 17 2016 23:16:52 Ally Financial,
200 Renaissance Ctr, Detroit, MI 48243-1300
513355486 +E-mail/Text: ally@ebn.phinsolutions.com Nov 17 2016 23:16:52 Ally Financial,
c/o Ally Servicing LLC, P.O. Box 130424, Roseville, MN 55113-0004
513292481 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Nov 17 2016 23:21:42
American InfoSource LP as agent for, Midland Funding LLC, PO Box 268941,
Oklahoma City, OK 73126-8941
515236439 +E-mail/Text: bkmailbayview@bayviewloanservicing.com Nov 17 2016 23:18:22
Bayview Loan Servicing, LLC, 4425 Ponce De Leon Blvd. 5th Floor,
Coral Gables, Florida 33146, Bayview Loan Servicing, LLC,
4425 Ponce De Leon Blvd. 5th Floor, Coral Gables, Florida 33146-1837
515236438 +E-mail/Text: bkmailbayview@bayviewloanservicing.com Nov 17 2016 23:18:22
Bayview Loan Servicing, LLC, 4425 Ponce De Leon Blvd. 5th Floor,
Coral Gables, Florida 33146-1837
513274953 E-mail/PDF: gecsedirecoverycorp.com Nov 17 2016 23:15:51 Carecredit/GECRB, PO Box 965033,
Orlando, FL 32896-0001
513274960 +E-mail/Text: bankruptcy@fult.com Nov 17 2016 23:18:50 Fulton Bank Of New Jersey,
533 Fellowship Rd, Mount Laurel, NJ 08054-3411
513274961 E-mail/PDF: gecsedirecoverycorp.com Nov 17 2016 23:15:26 Gecrb/gap, PO Box 965005,
Orlando, FL 32896-5005
513274963 E-mail/Text: bankruptcy@icsystem.com Nov 17 2016 23:18:31 Ic Systems Inc, PO Box 64378,
Saint Paul, MN 55164-0378
513484029 E-mail/Text: bknotice@crgofusa.com Nov 17 2016 23:18:20
InSolve Recovery, LLC, c/o Capital Recovery Group,, Dept 3203, PO BOX 123203,
DALLAS, TX 75312-3203
513274964 E-mail/Text: bankruptcydpt@mcmcg.com Nov 17 2016 23:17:45 Midland Funding,
8875 Aero Dr Ste 200, San Diego, CA 92123-2255
513274965 +E-mail/Text: bankruptcydepartment@tsico.com Nov 17 2016 23:18:41 NCO Financial Systems,
PO Box 15618, Wilmington, DE 19850-5618
513519139 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 17 2016 23:29:19
Portfolio Recovery Associates, LLC, c/o Care Credit, POB 41067, Norfolk VA 23541
513636541 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 17 2016 23:30:12
Portfolio Recovery Associates, LLC, PO Box 41067, Norfolk, VA 23541
513531718 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 17 2016 23:39:30
Portfolio Recovery Associates, LLC, c/o Capital One, Na, PO Box 41067, Norfolk VA 23541
513490364 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 17 2016 23:21:58
Portfolio Recovery Associates, LLC, c/o The Home Depot, PO Box 41067, Norfolk VA 23541
513853354 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 17 2016 23:21:58
PRA Receivables Management, LLC, POB 41067, Norfolk, VA 23541-1067
513342354 E-mail/Text: bnc-quantum@quantum3group.com Nov 17 2016 23:17:39
Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
513274967 E-mail/Text: bkprtrretrievalmasters.com Nov 17 2016 23:17:45 Quest Diagnostics, Inc.,
C/O AMCA, 4 Westchester Plz Ste 110, Elmsford, NY 10523-1615
513274974 E-mail/Text: bnc@alltran.com Nov 17 2016 23:16:58 United Recovery Systems, PO Box 722929,
Houston, TX 77272-2929
513274977 E-mail/Text: bankruptcydepartment@tsico.com Nov 17 2016 23:18:41 West Jersey Hospital,
C/O NCO Financial Systems Inc., 20 Clementon Rd E # 102 North, Gibbsboro, NJ 08026-1165
TOTAL: 27

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr* Ally Financial, PO Box 130424, Roseville, MN 55113-0004
513274944 ##Apex Asset Management, 1891 Santa Barbara Dr, Lancaster, PA 17601-4106
513274948 ##+Bergen County Probation Dept., 133 River Street, Hackensack, NJ 07601-7196
513464877 ##+Denise M. Gustavsen, 234 Howard Ave., Rochelle Park, NJ 07662-3421

TOTALS: 0, * 1, ## 3

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0312-1

User: admin
Form ID: pdf901

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Date Rcvd: Nov 17, 2016

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 19, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 11, 2016 at the address(es) listed below:

Alexandra T. Garcia on behalf of Creditor Bayview Loan Servicing, LLC, a Delaware Limited Liability Company NJECFMAIL@mwclaw.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Isabel C. Balboa (NA) on behalf of Trustee Isabel C. Balboa ecf@standingtrustee.com
John R. Morton, Jr. on behalf of Creditor Ally Financial mortonlaw.bccraig@verizon.net, donnal@mortoncraig.com/mhazlett@mortoncraig.com
John R. Morton, Jr. on behalf of Creditor Ally Financial serviced by Ally Servicing LLC mortonlaw.bccraig@verizon.net, donnal@mortoncraig.com/mhazlett@mortoncraig.com
Joshua I. Goldman on behalf of Creditor BAYVIEW LOAN SERVICING, LLC, A DELAWARE LIMITED LIABILITY COMPANY jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com
Joshua I. Goldman on behalf of Creditor BANK OF AMERICA, N.A. jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com
Robert Manchell on behalf of Joint Debtor Kristina M. Gustavsen manchellaw@yahoo.com
Robert Manchell on behalf of Debtor Douglas B. Gustavsen manchellaw@yahoo.com

TOTAL: 9